

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE BLUE CROSS BLUE SHIELD ANTITRUST LITIGATION MDL 2406	: : Master File 2:13-cv-20000-RDP : : : : This document relates to : Subscriber Track cases
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**MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT AND APPOINTMENT
OF SETTLEMENT ADMINISTRATOR**

COME NOW the Class Representatives¹ (on behalf of themselves and the Settlement Classes) (“Subscriber Plaintiffs”) in the above-styled action and hereby move this Court for an order finally approving the class settlement of the Subscriber Plaintiffs’ claims against the Settling Defendants and overruling all objections to the settlement. Subscriber Plaintiffs also seek appointment of Judge Irma E. Gonzalez (Ret.) as Settlement Administrator.

Subscriber Plaintiffs seek final approval of their settlement Damages Class, including a Self-Funded Sub-Class, and an Injunctive Relief Class. These Settlement Classes and other terms of the Settlement Agreement were agreed upon after several years of arm’s-length negotiations with the assistance of three highly respected mediators, including Special Master Edgar C. Gentle.

The Settlement Agreement is fair, reasonable, adequate, and satisfies the Eleventh Circuit’s long-standing class settlement fairness factors as well as the requirements of Fed. R. Civ. P. 23(e)(2). Moreover, the Settlement Classes satisfy and are certifiable under Fed. R. Civ. P. 23(a), (b)(2) and (b)(3). The proposed Plan of Distribution of settlement proceeds is fair, adequate and reasonable. None of the objections warrants disapproval of the Settlement.

¹ Capitalized terms not otherwise defined herein shall have the meaning given them in the Settlement Agreement, Dkt. No. 2610-2.

In support of this Motion, Subscriber Plaintiffs submit herewith the Subscriber Plaintiffs' Memorandum of Law in Support of Motion for Final Approval of Class Settlement along with the Declaration of Jennifer Keough in Support of Final Approval (Exhibit A); the Declaration of Dr. Daniel Rubinfeld in Support of Final Approval (Exhibit B); a List of Regional and National Insurers (Exhibit C); the Declaration of Dr. Joseph Mason (Exhibit D); several documents produced by the Settling Defendants during the litigation (Exhibit E, BCBS-AZ_MDL000124422; Exhibit F, CAREFIRST_ESI_06681777; Exhibit G, ARKBCBS0047016); the July 28, 2021 Letter from W. Berry to Settlement Class Counsel and Counsel for Settling Defendants (Exhibit H); and the Resume of Proposed Settlement Administrator Judge Irma E. Gonzalez (Ret.) (Exhibit I).

For these reasons, as well as those set forth in the supporting materials submitted herewith, Subscriber Plaintiffs' Motion should be granted, and the Court should enter a final approval order in the form proposed (Exhibit L). The Court should also enter the Proposed Order Appointing Settlement Administrator (Exhibit J), appointing the Honorable Irma E. Gonzalez as Settlement Administrator, and amend the Data Production Order by entering the Proposed Amended Stipulation and Order Regarding Protected Health Information and Personally Identifiable Information for Subscriber Settlement (Exhibit K).

Date: September 3, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2021, the foregoing Subscriber Plaintiffs' Motion for Final Approval of Class Settlement was filed with the Clerk of the Court and served on counsel of record via ECF.

/s/ Michael D. Hausfeld
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